BOMBAY REGULATION XII OF 1827.[1]

[*1st January 1827.*]

Repealed in part, by Act 3 of 1857 ; 17 of 1862 ; 10 of 1872 ; 10 of 1873 ; 12 of 1873 ; 12 of 1876 ; 4 of 1894 ; Bom. Acts 6 of 1866 ; 7 of 1867 ; 8 of 1867 ; 2 of 1870.

Repealed in part (locally), by Bom. 4 of 1890.
Repealed in part and amended, by Bom. 3 of 1886.
Supplemented, by Act 2 of 1889.
Repealed in part, by Bom. 15 of 1932.

A Regulation *for the establishment of a system of Police throughout the zilas subordinate to Bombay, for providing rules for its administration, and* for defining the duties and powers of *all* Police-authorities *and servants.*

PREAMBLE. *Rep. Act XVII of 1862 and again Act XII of 1876.*

1 to 18. *Rep. Acts XVII of 1862, VII of 1867, VIII of 1867, II of 1870, X of 1872 and X of 1873.*

Power to make rules respecting dharamsalas, etc.

[2]**19.** *First.*—It shall be lawful for the [3][District Magistrate], when the public benefit and comfort is in question, to institute rules respecting dharmsalas, liquor-shops, public wells, town-gates, and generally all places of public resort, regulating the hours at which they are to be open, the manner in which they are to be used, the equal and appropriate application of their accommodations, and such matters as conduce to maintaining orderly conduct among those who resort to them.

Second to Fifth.—[*Cutting firewood, etc. ; removal of nuisances and combustible substances*] *Rep. Act XVII of 1862.*

Publication of rules and Submission to sadr Faujdari Adalat.

Sixth.—In exercising the authority conferred by this section, the [3][District Magistrate] shall commence by issuing an injunction, which, if a particular individual be concerned, shall be personal to him, otherwise it shall be notified by oral proclamation made, and written notice fixed and kept, at such place or places as may be best adapted to convey information to the public, or the class concerned ; a copy of which shall, at the same time, be forwarded to the Court of Sadr Faujdari Adalat, and it shall remain in force, unless forbidden by that Court ; and should any person persist in disobeying the injunction, [4][any Magistrate] may compel observance thereof by force, and punish disobedience by fine not exceeding one month's computed average income of the culprit, [5][simple] imprisonment [6]* * * not exceeding one month, [7]* * * * or any of these combined [8]* * * *.

Punishment for violating rules.

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[1] S. 19, s. 20, s. 27, clause *second*, and s. 37, clauses *first* and *second*, of Bom. Reg. 12 of 1827 were declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 5 and Sch. 3 as amended by Act 12 of 1891, General Acts, to be in force in the whole of the Province of Bombay except as regards the Scheduled Districts, i.e., the villages belonging to the following Mehwassi Chiefs :—

(1) The Parvi of Kathi.
(2) The Parvi of Nal.
(3) The Parvi of Singpur.
(4) The Walvi of Gaohalli.
(5) The Wassawa of Chikhli.
(6) The Parvi of Nawalpur.

[2] The portions of s. 19 here printed are repealed by the Bombay District Police Act, 1890 (Bom. 4 of 1890), s. 2, wherever that Act extends.

[3] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[4] "Any Magistrate" was substituted for "the Magistrate", *ibid.*

[5] The word "simple" was substituted for the word "ordinary", *ibid.*

[6] The words "without labour" were repealed, *ibid.*

[7] The words "personal restraint" were repealed by the Repealing Act, 1876 (12 of 1876).

[8] Words having reference to expenses for removing noxious or dangerous articles or buildings were repealed by the Repealing Act, 1873 (12 of 1873).

Seventh.—Provided, however, that, in all questions arising out of the preceding clause of this section, it shall be competent to any individual who may deem himself possessed of a private right, which cannot equitably be interfered with, to file a suit in the Civil Court against the [1][District Magistrate] to support his claim, and the [2][Magistrate before whom proceedings against such individual are being held] applied to, shall stay his proceedings for a reasonable period to allow of such suit being instituted [3]* * * *. Person deeming private rights infringed may try case in Civil Court.

Eighth.—[4]* * * * * * * [5][Any Magistrate may] take charge of property found without an owner, and if the provisions of Regulation VIII, A. D. 1827, Chapter II, do not apply to the case, shall retain it for the eventual benefit of the said owner, on his defraying any expenses incurred ;but, at any period, when these may have amounted to the computed value of the property, it may be sold to defray the same. Any Magistrate may take charge of property left without owner.

20. [District Magistrates to keep standards of weights and measures]. *Rep. Bom. XV of 1932.*

21. *Rep. Act XVII of 1932.*

22. *Rep. Act VIII of 1867.*

23 to 26. *Rep. Act XVII of 1862.*

27. *First.*—[*Imprisonment in default of recognizance or security*]. *Rep. Act XVII of 1862.*

Second.—But the [1][District Magistrate] is not precluded from adopting precautionary measures of a more lenient nature, in the case of a person who may be unable to furnish satisfactory recognizance or security for his attendance ; such as, provided the [1][District Magistrate] considers them sufficient for the purpose, allowing the party to remain under the inspection of some trustworthy person possessing influence over his conduct, or at some place of public resort, under charge of persons in usual attendance there ; and similar measures may, under similar circumstances, be adopted to secure the good conduct of a suspected person ; in which case additional restrictions may be made, as suggested by the party's habits, and the evil apprehended, such as prohibiting his leaving his residence, or certain limits, at particular times, or providing himself with a horse or arms, or any other restrictions which will not unreasonably affect his personal liberty, or deprive him of the means of procuring a livelihood ; all which restrictions shall be notified to the party in writing, a copy thereof, with his signature, in token of assent, being kept by the [1][District Magistrate] and any breach thereof shall be punishable by [6][simple] imprisonment [7]* * * for a period not exceeding six months which penalty also shall be inserted in the instrument. Powers in respect of precautionary measures.

28 to 36. *Rep. Act XVII of 1862 and Bom. VII of 1867.*

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[1] "District Magistrate" was substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. 1 of 1904).

[2] These words were substituted for the word "Magistrate", *ibid*

[3] The words "which shall be tried by the Judge or one of his assistants exclusively" were repealed by the Repealing Act, 1876 (12 of 1876).

[4] The words "the Magistrate shall always be authorized to take charge of stray animals and to detain them either at the sudder station or at the place where found ; and if the owners apply and pay the expenses incurred within two months, the animals shall be returned to them ; otherwise they shall be sold by public auction and the proceeds, after deducting expenses incurred, shall be paid to the owners on demand" were repealed by Act 3 of 1857.

[5] These words were substituted for the words "The Magistrate shall also" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B.

[6] "Simple" was substituted for "ordinary", *ibid.*

[7] The words "without hard labour" were repealed, *ibid.*

Villages liable to fine in case of robbery committed within their bounds.

37. *First.*—When robbery has been committed within the boundary of a village, or the perpetrators of a robbery have been satisfactorily traced thereto, and neglect or connivance be charged against the inhabitants or the police-establishment, with regard to prevention, detection or apprehension, it shall be competent to the [1][District or Sub-Divisional Magistrate] to investigate the matter as a criminal offence, and, if the fact be well substantiated, to exact a fine not exceeding the value of the property lost, the whole or part of which may be awarded in compensation to the owner, according as the degree of caution and activity which he evinced on the occasion may deserve.

Levy of fines.

Second.—If the fine be awarded against the inhabitants at large, it shall be realized by the Collector in the same manner as revenue-demands, and paid to the order of the Magistrate; if against individuals of the police-establishment, it shall be levied [2]* * * * * * as directed for fines in general [2]* * * * *

Third.—[*Orders by Court of Circuit.*] *Rep. Act X of 1872.*

38 to 53. *Rep. Act XVII of 1862 and Bom. VII and VIII of 1867.*

APPENDICES A TO M.

[*Rep. Bom. VI of 1866 and XVII of 1862, XII of 1876 and IV of 1894.*]

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[1] These words were substituted for "Magistrate" by the Bombay General Clauses Act, 1886 (Bom. 3 of 1886), Schedule B. This Schedule is printed as an Appendix to the Bombay General Clauses Act, 1904 (Bom. I of 1904).

[2] The words "by imprisonment in commutation" and the words, figures and letters "in Regulation XIV, A. D. 1827, s. 9," were repealed by the Repealing Act, 1873 (12 of 1873).